



## **CITY OF AUBURN**

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## **REASONABLE USE EXCEPTION APPLICATION PACKET**

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# **REASONABLE USE EXCEPTION APPLICATION – INTRODUCTION**

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### **(TYPE III DECISION)**

#### **What does Type III refer to?**

Type III land use and land division decisions are also referred to as quasi-judicial decisions made by the City of Auburn Hearing Examiner following a public hearing. The Hearing Examiner is responsible by City Code to interpret, review, and implement land use, land division, and other ordinances and regulations. City staff conducts an initial review of the application and submits a written recommendation to the City's Hearing Examiner who conducts the public hearing. At the hearing interested citizens can participate by entering written, verbal, or visual testimony, information, and exhibits on the proposal. Following the public hearing, the Hearing Examiner issues a written decision that can be appealed to the Superior Court of the county in which the property is located (King County or Pierce County).

#### **Under what circumstances will a Reasonable Use Exception be granted?**

A reasonable use exception may be made when all reasonable use of a property is denied if strict application of environmental standards is enforced. An applicant must demonstrate this by addressing compliance with the criteria found under Auburn City Code (ACC) 16.10.150, included under 'Written Statement' in the Submittal Checklist.

#### **Is the Reasonable Use Exception a fast-track method for project/permit approval?**

No, Reasonable Use Exceptions do not eliminate the need for any other permit or approval otherwise required for a proposal by applicable city codes.

#### **How long before I am notified if my application is complete?**

At the time you submit an application, you must submit all of the written and graphic information listed in this application under "Reasonable Use Exception Application Submittal Checklist": Within 28 calendar days of receiving your application, City staff will determine if the application is complete based on the attached checklist. If your application is complete you will be notified in writing by City staff. If your application is not complete, you will receive a letter from City staff detailing required information to make your application complete.

#### **How long before I know the Reasonable Use Exception has been approved or denied?**

Current City code requires that all land use decisions be made within 120 days from the date of a complete application submittal, unless an applicant agrees to extend the processing of his/her application longer than 120 days. The Hearing Examiner will issue a decision within 10 days of the public hearing or in extraordinary cases, within 20 days.

**PLEASE NOTE:** Applicants are responsible for complying with all City Codes and ordinances; and should review all City regulations that may be applicable to their proposed project. For assistance in determining which regulations are applicable, please contact the City of Auburn Permit Center.



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## REASONABLE USE EXCEPTION APPLICATION

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# REASONABLE USE EXCEPTION – SUBMITTAL CHECKLIST

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### ***DIGITAL COPIES OF WRITTEN MATERIALS AND PLANS & GRAPHICS.***

- ☐ Provide electronic files of all submitted written materials and plans and graphics for use by the City of Auburn during the development review process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Documents totaling less than 20 MBs may be attached to the email submittal to [applications@auburnwa.gov](mailto:applications@auburnwa.gov). If total file size is more than 20 MBs then email only the application form to [applications@auburnwa.gov](mailto:applications@auburnwa.gov) and you will be provided with a Dropbox link to upload all of the documents. Please allow until the end of the following business day for a Permit Technician to contact you with further instructions and to arrange payment and complete the intake process.

### ***PDF REQUIREMENTS.***

- ☐ All documents shall be submitted in *unsecured* and *flattened* PDF format. Each document shall be separate PDF documents and clearly named by document title (common acronyms are OK, e.g. SSP – Stormwater Site Plan/Report, *Geotech* – Geotechnical Report, *TIA* – Traffic Impact Analysis/Study/Memo, *CAR* – Critical Areas Report).  
Example: Smith Building – Prelim SSP.pdf

### ***WRITTEN MATERIALS***

- ☐ A. **APPLICATION FORM** Provide a completed Master Land Use Application Form
- ☐ B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained with this application packet inclusive of all required signatures.
- ☐ C. **NOT USED**
- ☐ D. **SEPA CHECKLIST.** Submit a **completed** Environmental Checklist together with any supporting documentation, such as a critical areas report (see below), or information to address potential or known environmental impacts resulting from the proposal.
- ☐ E. **CRITICAL AREAS REPORT (6 copies)**, if applicable, addressing compliance ACC 16.10 (Critical Areas) prepared by a qualified consultant as defined by ACC 16.10.020 as a person who has attained a degree from an accredited college or university in the subject matter necessary to evaluate the critical area in question (e.g., biology, ecology, or horticulture/arboriculture for wetlands, streams, wildlife habitat, and geology and/or civil engineering for geologic hazards, and hydrogeologist for ground water protection areas), and/or who is professionally trained and/or certified or licensed by the State of Washington to practice in the scientific disciplines necessary to identify, evaluate, manage, and mitigate impacts to the critical area in question.

Known or Suspected Critical Area	Class	Analysis Required	Analysis Prepared
<input type="checkbox"/> Wetlands	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Stream	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Wildlife Habitat Area	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Geologic Hazard Area Seismic, steep slope, landslide, & erosion	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Groundwater Protection Area	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:			
<input type="checkbox"/> Flood Hazard - ACC 15.68	_____	<input type="checkbox"/>	<input type="checkbox"/>

☐ F. **WRITTEN STATEMENT.** The burden of proof shall be on the applicant to provide evidence in support of the application and to provide sufficient information on which any decision has to be made. Applicants must demonstrate that the request complies with the following decision criteria:

1. No reasonable use with less impact on the critical area and its buffer is possible. There is no feasible and reasonable on-site alternative to the activities proposed, considering the possible changes in site layout, reductions in density, and similar factors, that would allow a reasonable and economically viable use with fewer adverse impacts;
2. The proposed activities, as conditioned, will result in the minimum possible impacts to affected critical areas;
3. All reasonable mitigation measures have been implemented or assured;
4. The inability to derive reasonable use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition;
5. The applicant shall demonstrate that the use would not cause a hazard to life, health, or property.

## **PLANS & GRAPHICS**

☐ A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be to scale (engineering scale) and drawn on paper no larger than **24" x 36"** at **1"=50'**. An index sheet, in above-specified size, is required for multi-sheet submittals. All plans should be folded to fit a legal size file jack.

☐ B. **SITE PLAN:**

- ☐ 1. North arrow, graphic scale, and date plan was prepared;
- ☐ 2. Boundaries and dimensions of lot lines, existing or proposed;
- ☐ 3. Adjacent public streets;
- ☐ 4. Easements, existing and proposed;
- ☐ 5. Location and size of all existing and proposed utilities;
- ☐ 6. Location of all buildings, including setbacks from existing and proposed lot lines;
- ☐ 7. Location and layout of off-street parking;

- ☐ 8. Location and height of fences;
- ☐ 9. Location and size of signs;
- ☐ 10. Conceptual landscape plan (refer to Item D below for more information);
- ☐ 11. Height of structures;
- ☐ 12. Points of access, interior streets, driveways, and parking areas;
- ☐ 13. Location of refuse storage locations, bicycle parking areas and pedestrian/bike paths;
- ☐ 14. Proposed right-of-way, dedications and improvements;
- ☐ 15. Location of storm water quality/detention facilities;
- ☐ 16. Boundaries of development phases, if applicable; and,
- ☐ 17. Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.

☐ **D. LANDSCAPING/PLANTING PLAN** If required for critical area mitigation, the landscape plan shall be prepared in accordance with ACC 18.50 (Landscaping and Screening) inclusive of:

- ☐ 1. North arrow, graphic scale, and date plan was prepared;
- ☐ 2. Boundaries and dimensions of the property;
- ☐ 3. Adjacent public and private streets;
- ☐ 4. Location of on-site buildings;
- ☐ 5. Location of on-site parking areas;
- ☐ 6. Location of outdoor storage areas;
- ☐ 7. Location and size of landscape areas;
- ☐ 8. Location of significant trees;
- ☐ 9. Location of water source(s);
- ☐ 10. Location and arrangement of proposed on-site and off-site plantings at maturity; location, description, and extent of proposed ground cover(s); and related natural and artificial features that are proposed or existing, such as retaining walls, curbing, fences, and fountains;
- ☐ 11. Plant schedule of common and scientific names of species, minimum tree calipers at time of planting, and quantity of each species;
- ☐ 12. Proposed building and site lighting, especially if proposed to be softened or screened by landscaping/planting; and,
- ☐ 13. Information on the plan as to how the landscaping will be maintained, such as type of irrigation system or native plants.